



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड २
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० ४४] नई दिल्ली, बौद्धवार, २२ अगस्त, १९६८/श्रावण ३१, १८९०
No. 44] NEW DELHI, THURSDAY, AUGUST, 22 1968 SRAVANA 31, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रत्येक संकलन के रूप में रखा जा सक।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

I

The following Bills were introduced in the Rajya Sabha on the 22nd August, 1968:—

BILL No. XXIII of 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1968. Short title
2. In article 351 of the Constitution,— Amend-ment of article 351.
 - (i) after the words “the Hindi language” the words “as a link language” shall be inserted;
 - (ii) for the words “medium of expression” the words “medium of communication between the States and” shall be substituted; and
 - (iii) the words “and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Now that the place of Hindi as the official language of the Indian Union has been firmly recognized, it is desirable that a clear perspective about its nature, form and content is formulated so that the people may adopt it with understanding and ease.

Hindi, the official language, is to be a link language. It shall not replace the regional languages in so far as the medium of instruction in the States is concerned. It shall only be a medium of communication between the Centre and the States, and between one State and the other and a medium of intercourse between the people of different States. Therefore Hindi as a link language shall have to be understood and developed distinct from Hindi as a regional language.

Further, if Hindi as the official language has to grow into a medium of communication or intercourse it must be a simple and commonly understood language. It can be so, provided it grows by enriching itself with words and expressions from all the Indian languages mentioned in the Eighth Schedule of the Constitution and gives up its leaning towards Sanskrit.

Hence this Bill.

S. K. VAISHAMPAYEN.

II

BILL No. XVIII OF 1968

A Bill to regulate the recruitment and conditions of service of Staff in the Rajya Sabha Secretariat

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rajya Sabha Secretariat (Recruitment and Conditions of Service) Act, 1968.

Short
title and
commen-
cement.

(2) It shall come into force on such date as the Chairman may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(i) "Chairman" means the Chairman of the Council;

- (ii) "Constitution" means the Constitution of India;
- (iii) "Council" means the Council of States (Rajya Sabha);
- (iv) "deputation" means the temporary transfer or loan of the services of an officer from or to the Secretariat to or from any office outside the Secretariat;
- (v) "Deputy Chairman" means the Deputy Chairman of the Council;
- (vi) "Joint Secretary" means the Joint Secretary of the Secretariat and includes any person for the time being performing the duties of the Joint Secretary;
- (vii) "Officer" means a person appointed to or borne on the cadre of, the Secretarial staff of the Secretariat;
- (viii) "Post" means a post in the Secretariat and a post shall be deemed to be a post in Class I, Class II, Class III or Class IV, according as such post is specified in Class I, Class II, Class III or Class IV, as the case may be, in the First Schedule;
- (ix) "pre-1931 entrant" means a government servant in the continuous employ of the Government of India from the 16th August, 1947 or any earlier date and who

either

was in continuous government service in a substantive or other capacity from a date prior to the 16th July, 1931 and was not governed by the Revised Rates of Pay Rules, 1933;

or

entered government service on or after the 16th July, 1931, but was wholly exempted from the operation of the Revised Rates of Pay Rules, 1933, by special order;

Explanation.—Service of a Government servant re-employed after retirement shall not be deemed to be continuous for the purpose of this clause. On re-employment he shall not be treated as pre-1931 entrant;

(x) "Secretary" means the Secretary of the Council (Rajya Sabha) and includes any person for the time being performing the duties of the Secretary;

(xi) "Secretariat" means the Rajya Sabha Secretariat.

3. (1) There shall be in the Secretariat—

Strength
and the
composition
of
the Secre-
tariat.

(a) such number of permanent posts as are specified in the First Schedule;

(b) such number of temporary posts of the categories specified in the Second Schedule as the Chairman may, from time to time, by order sanction.

(2) The Chairman may, from time to time, amend the First Schedule by increasing or reducing the number of posts specified therein or by adding thereto any new category of post or posts.

4. The financial matter of the Secretariat shall be dealt with by a Finance Committee which shall consist of the Chairman, four members of the Rajya Sabha to be elected by the House and two officers of the Secretariat to be nominated by the Chairman

Finance
Commit-
tee

5. (1) There shall be a committee known as the Rules (Service) Committee to frame the rules and regulations of recruitment and conditions of service of the staff in the Secretariat.

Rules
(Service)
Commit-
tee.

(2) The Rules (Service) Committee shall consist of the Deputy Chairman as the Chairman and six other members, namely, two members of the Rajya Sabha to be elected by the Council, two officers of the Secretariat to be nominated by the Chairman and the Secretary of the Senior Staff Council and the Secretary of the Junior Staff Council of the Secretariat.

6. (1) There shall be a Selection Committee to select suitable persons to fill in the vacancies in class I and class II Gazetted posts in the Secretariat.

Selection
Commit-
tee.

(2) The Selection Committee shall consist of the Deputy Chairman as the Chairman of the Committee, two members of the Council to be nominated by the Chairman, and the Secretary

Recruit-
ment
Board.

7. There shall be a Recruitment Board consisting of four officers of the Secretariat with Joint Secretary as its Chairman to recruit persons to fill in the non-gazetted posts.

Method of
Recruit-
ment.

8. (1) Recruitment to a post or class of posts may be made by one or more of the following methods, namely:—

(a) by promotion of a person employed in the Secretariat;

(b) by permanent transfer or deputation of a person serving outside the Secretariat in connection with the affairs of the Union or of a State;

(c) by direct recruitment.

(2) The Chairman may from time to time in consultation with the Rules (Service) Committee, by general or special order,—

(a) specify the method or methods by which recruitment to a post or a class of posts shall be made;

(b) in case of recruitment by more than one such method, determine the proportion of vacancies to be filled by each method; and

(c) in case of direct recruitment, specify the manner in which such recruitment shall be made.

Qualifica-
tion for
appoint-
ment.

9. The qualifications required for appointment to the various categories of the posts by departmental promotion or otherwise shall be such as the Chairman in consultation with the Rules (Service) Committee, may, from time to time, specify.

Appoint-
ing autho-
rity.

10. All appointments to posts shall be made by the Chairman on the recommendation of the Selection Committee in the case of class I and class II Gazetted posts and on the recommendation of the Recruitment Board in the case of all other posts.

Pay.

11. Subject to the provisions of sections 18 and 19 the pay or scale of pay attached to each of the posts specified in column 1 of the Second Schedule shall be as set out against it in column 4 of the Schedule:

Provided that in case of a pre-1931 entrant, who has not elected the pay or the scale of pay attached to the post held by him shall be the pay or scale of pay as set out against it in column 2 of that Schedule:

Provided further that in the case of an employee who opts to remain in his existing pay scale as on 31st March, 1968, he shall continue to draw the pay as set out in column 3 of the Schedule.

12. The age of retirement of officers in the Secretariat shall be sixty years. Age of Retirement.
13. Every officer shall be entitled to receive city compensatory allowance equal to ten per cent. of his basic pay with a maximum of one hundred rupees. City Compensatory Allowance.
14. Every officer shall be entitled to receive twenty per cent. of his basic pay as house-rent allowance with a maximum of three hundred rupees per mensem provided no residence of the entitled category is allotted to him. House Rent Allowance.
15. (1) The pay of every officer who opts for the revised pay scales shall be re-fixed and it shall be effective from the 1st April, 1968 without affecting the date of his next increment. Fixation of Pay under revised pay scale.
- (2) The pay of every officer who has earned up to five increments in his old pay scale shall be fixed on a point to point basis in the new pay scale:
- Provided that the pay of the officer who has earned more than five increments shall be fixed after adding five increments in the new scale or at a stage in the new pay scale which is equal to his total emoluments of basic pay and dearness allowance which he was drawing on the 31st March, 1968, whichever is higher:
- Provided further that if such total does not represent a stage in the new pay-scale, the basic pay shall be fixed at the next higher stage in the new pay-scale.
- (3) Notwithstanding anything contained in sub-section (2), the pay of a class I officer shall be fixed at the initial stage of the pay-scale or at the stage which is equal to his total emoluments of basic pay and dearness allowance, if any, which he was drawing on the 31st March, 1968, whichever is higher:
- Provided that if such total does not represent a stage in the new pay-scale, the basic pay shall be fixed at the next higher stage in the new pay-scale.
16. In respect of all other matters regulating the conditions of service of officers for which no provision has been made in this Act, officers shall be governed by such rules as are applicable to the Central Government employees of the same category: Other conditions of service.

Provided that as and when the Rules (Service) Committee makes any rule in that respect, the rule so made shall be applicable to the Secretariat.

Character
verifica-
tion.

17. The Secretary shall get the character of an officer to be employed in the Secretariat verified by the police before he joins service in the Secretariat:

Provided that such verification shall be limited to his moral character and any unlawful activity indulged in by him during a period of three years immediately prior to his entry in the service of the Secretariat.

Relaxa-
tion in
excep-
tional
cases.

18. When the Chairman is satisfied that the operation of any rule or provision in the matter of the conditions of service of an officer or a class of officers causes undue hardship in any particular case, the Chairman may, after consultation with the Rules (Service) Committee, by order dispense with or relax the requirements of that rule or provision to such extent and subject to such conditions as may be considered necessary for dealing with the case in just and equitable manner.

Condi-
tions of
service of
officers
on depu-
tation to
the Sec-
retariat.

19. An Officer while on deputation to the Secretariat may be permitted to retain, to such extent and subject to such conditions as may be determined by the Chairman, the terms and conditions of service which were applicable to him immediately before his deputation to the Secretariat.

Repeal
and sav-
ings.

20. Save as otherwise expressly provided in this Act, all rules corresponding to these provisions in force immediately before the commencement of this Act are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of the Act.

THE FIRST SCHEDULE

[Vide section 3(1) (a)]

S. No.	Designation of post	Number of Permanent posts
<i>Class I Gazetted</i>		
1	Secretary	1
2	Joint Secretary	1
3	Deputy Secretaries	3
4	Under Secretaries	6
5	Chief Reporter	1
6	Reporters (Selection grade)	2
7	Editor of Debates	2
8	Research Officers	2
9	Section Officers (Selection grade)	2
10	P. S. to the Chairman	1
<i>Class II Gazetted</i>		
11	Section Officers	15
12	Reporters	12
13	Interpreters	6
14	Assistant Editors of Debates	7
15	Assistant Research Officer	1
16	Assistant P. S. to Chairman	1
17	Private Secretaries	3
18	Assistant Watch & Ward Officer	1
19	P. A. to Chairman	1
<i>Class II Non-Gazetted</i>		
20	Translators	18
21	Committee Assistants	2
22	Lobby Assistant	1
23	Assistants	52
24	Information Assistant	1
25	Printing Assistants	5
26	P. A. to Deputy Chairman	1

S. No.	Designation of post	Number of Permanent Posts
--------	---------------------	---------------------------

27	P. A. to Secretary	1
28	Stenographers	6

Class III Non-gazetted

29	Proof Readers	14
30	Senior Watch & Ward Assistants	8
31	Clerks	120
32	Junior Watch & Ward Assistants	20
33	Copy holders	14
34	Hindi typists	4
35	Steno-typists	4
36	Staff-car Driver	1
37	Despatch Rider	1
38	Gestetner Operators } Adrema Operators }	6

Class IV

39	Record sorter	1
40	Daftaries	24
41	Jamadars	4
42	Peons	55
43	Farashes	4
44	Sweepers	4

THE SECOND SCHEDULE
[Vide Sections 3(1)(6), 11 and 15]

Designation of Post (1)	Pay or scale of pay admissible to pre-1931 entrants (2)	Pay or scale of pay as admissible on 31-3-1968 (3)	New prescribed pay or scale of pay under the Act* (4)
<i>Class I Gazetted —</i>			
1. Secretary	Rs. 3000	Rs. 3500	Rs. 3500
2. Joint Secretary	Rs. 2250	Rs. 2750	Rs. 2750
3. Deputy Secretary	Rs. 1300—50—1700	Rs. 1100—50—1300—60— 1600—100—1800	Rs. 1200—60—1500—100— 1800
4. Under Secretary	Rs. 1100—50—1250 plus special pay of Rs. 50 p.m.	Rs. 900—50—1250	Rs. 1000—50—1350
5. Chief Reporter	Rs. 450—25—750 plus special pay of Rs. 100 p.m.	Rs. 700—40—900—50— 1100 plus special pay of Rs. 100 p.m.	Rs. 850—50—1250 plus special pay of Rs. 100 p.m.
6. Reporter (Selection grade)		Rs. 700—40—900—50— 1100	Rs. 850—50—1250

* Dearness Allowance shall not be admissible to those who will opt for these new scales of pay.

Designation of Post (1)	Pay or scale of pay admissible to pre-1931 entrants (2)	Pay or scale of pay as ad- missible on 31-3-1968 (3)	New prescribed pay or scale of pay under the Act* (4)
7. Editor of Debates		Rs. 400—25—500— 30—590—EB—30—800 —EB—30—830—35— 900	Rs. 850—50—1250
8. Research Officer		Rs. 400—25—500—30— 590—EB—30—800—EB— 30—830—35—900	Rs. 850—50—1250
9. Section Officers (Selection grade)			Rs. 850—50—1250
10. Private Secretary to Chairman		Rs. 700—40—900	Rs. 850—50—1250
<i>Class II Gazetted—</i>			
11. Section Officer	Rs. 600—40—800/530—30— 800	Rs. 350(400)—25—500—30— —590—EB—30—800 —EB—30—830—35 —900	Rs. 550—35—620—40— —700—EB—40—900—EB —50—1050
12. Reporter	Rs. 450—25—750	Rs. 400—25—500—30— 590—EB—30—800—EB —30—830—35—900	Rs. 550—35—620—40— 700—EB—40—900—EB —50—1050
13. Interpreter		Rs. 400—25—500—30— 590—EB—30—800—EB —30—830—35—900	Rs. 550—35—620—40— 700—EB—40—900—EB —50—1050

14. Assistant Editor of Debates	Rs. 325—15—475—EB—20—575	Rs. 550—35—620—40—700—EB—40—900—EB—50—1050
15. Assistant Research Officer	Rs. 350—25—500—30—590—EB—30—650	Rs. 550—35—620—40—700—EB—40—900—EB—50—1050
16. Assistant Private Secretary to Chairman	Rs. 350 (400)—25—500—30—590—EB—30—800—EB—30—830—35—900	Rs. 550—35—620—40—700—EB—40—900—EB—50—1050
17. Private Secretary ½	Rs. 350(400)—25—650	Rs. 500—30—650—EB—30—800
18. Assistant Watch & Ward Officer	Rs. 350—25—575	Rs. 500—30—650—EB—30—800
19. P.A. to Chairman.	Rs. 350—25—575	Rs. 500—30—650—EB—30—800
<i>Class II Non-Gazetted—</i>		
20. Translator	Rs. 210—10—270—15—300—EB—15—450—EB—20—530	Rs. 475—20—575—EB—25—700—EB—25—750
21. Committee Assistant		Rs. 475—20—575—EB—25—700—EB—25—750
22. Lobby Assistant		Rs. 475—20—575—EB—25—700—EB—25—750

* Dearness Allowance shall not be admissible to those who will opt for these new scales of pay.

Designation of post	Pay or scale of pay admissible to pre-1931 entrants	Pay or scale of pay as admissible on 31-3-1968	New prescribed pay or scale of pay under the Act*
(1)	(2)	(3)	(4)
23. Assistant	Rs. 200—15—365—EB—15—500	Rs. 210—10—270—15—300—EB—15—450—EB—20—530	Rs. 350—15—500—EB—20—600—EB—25—700
24. Information Assistant		Rs. 210—10—270—15—300—EB—15—450—EB—20—530	Rs. 350—15—500—EB—20—600—EB—25—700
25. Printing Assistant		Rs. 210—10—270—15—300—EB—15—450—EB—20—530	Rs. 350—15—500—EB—20—600—EB—25—700
26. P.A. to Deputy Chairman		Rs. 210—10—270—15—300—EB—15—450—EB—20—530	Rs. 350—15—500—EB—20—600—EB—25—700
27. P.A. to Secretary		Rs. 210—10—270—15—300—EB—15—450—EB—20—530	Rs. 350—15—500—EB—20—600—EB—25—700
28. Stenographer		Rs. 210—10—270—15—300—EB—15—450—EB—20—530	Rs. 350—15—500—EB—20—600—EB—25—700
<i>Class III Non-Gazetted</i>			
29. Proof Reader		Rs. 168—8—296—EB—8—280—10—300	Rs. 300—10—400—EB—15—475

30. Senior Watch & Ward Assistant	Rs. 170—10—290—15—320	Rs. 300—10—400—EB—15—475
31. Clerk	Rs. 130—5—160—8—200—EB—8—256—EB—8—280 and Rs. 110—3—131—4—155—EB—4—175—5—180	Rs. 220—8—300—EB—10—420
32. Junior Watch & Ward Assistant	Rs. 130—5—160—8—200—EB—8—256—EB—8—280	Rs. 220—8—300—EB—10—420
33. Copyholder	Rs. 110—3—131—4—155—EB—4—175—5—180	Rs. 220—8—300—EB—10—420
34. Hindi typist	Rs. 110—3—131—4—155—EB—4—175—5—180	Rs. 220—8—300—EB—10—420
35. Steno-Typist	Rs. 110—3—131—4—155—EB—4—175—5—180	Rs. 220—8—300—EB—10—420—Plus—S.P. Rs. 25/-
36. Staff Car Driver	Rs. 110—3—131—4—139	Rs. 200—5—250
37. Despatch Rider	Rs. 100—3—130	Rs. 200—5—250
38. Gestetner Operator } Adrema Operator }	Rs. 110—3—131	Rs. 200—5—250

* Dearness Allowance shall not be admissible to those who will opt for these new scales of pay.

Designation of post (1)	Pay or scale of pay admissible to pre-1931 entrants (2)	Pay or scale of pay as admissible on 31-3-1968 (3)	New prescribed pay or scale of pay under the Act.* (4)
<i>Class IV</i>			
39. Daftry . . .		Rs. 75—1—85—EB—2—95	Rs. 150—2—180
40. Record Sorter . . .		Rs. 80—1—85—2—95—EB —3—110	Rs. 150—3—180
41. Jamadar . . .		Rs. 75—1—85—EB—2—95	Rs. 150—2—180
42. Peon . . .		Rs. 70—1—80—EB—1—85	Rs. 140—2—160
43. Farash . . .		Rs. 70—1—80—EB—1—85	Rs. 140—2—160
44. Sweeper . . .		Rs. 70—1—80—EB—1—85	Rs. 140—2—160

* Dearness Allowance shall not be admissible to those who will opt for these new scales of pay.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to implement the constitutional provisions under article 98(2) to regulate by law the recruitment and the conditions of service in the Rajya Sabha Secretariat. It also seeks to remove certain existing anomalies in the pay scales and the conditions of service of various categories of posts as they exist under the rules in force for the time being.

BHAI MAHAVIR.

FINANCIAL MEMORANDUM

Clause 3 of the Bill deals with the set-up of the Rajya Sabha Secretariat. The Secretariat will consist of officials of various categories as are enumerated in the First Schedule to the Bill.

Clause 13 deals with the payment of the City Compensatory Allowance to various categories of the staff.

Clause 14 deals with the payment of house rent allowance to those officials for whom no residence is provided.

According to the pay or scales of pay attached to each of the post specified in column 1 of the Second Schedule to the Bill, recurring annual expenditure, inclusive of allowances, honoraria, etc., is estimated at Rs. 25,00,000 only.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Chairman to increase or decrease the number of posts specified in the First Schedule to the Bill.

Clause 5 empowers the Rules (Service) Committee to make rules in respect of matters connected with the recruitment and conditions of Service of the staff in the Rajya Sabha Secretariat. The delegation of legislative power is of a normal character.

III

BILL No. XXI OF 1968

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1968.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section 418.

2. In section 418 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act), in sub-section (2), after the word "death" the words "or imprisonment for life" shall be inserted.

3. In sub-section (1) of section 421 of the principal Act, in the proviso, after the word and figures "section 419" the words and figures "or section 420" shall be inserted.

Amend-
ment of
section
421.

STATEMENT OF OBJECTS AND REASONS

Certain lacunae have been found in sections 418 and 421 of the Code of Criminal Procedure, 1898, regarding the right of appeal to the Supreme Court. The present amending Bill seeks to remove the lacunae.

M. P. BHARGAVA.

IV

BILL No. XXII OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1968. short title.

2. In article 326 of the Constitution, for the words “twenty-one years” the words “eighteen years” shall be substituted. Amend-
ment of
article 326.

STATEMENT OF OBJECTS AND REASONS

According to the Constitution of India any citizen of India who is twenty-one years of age or above and is included in the electoral roll is eligible to vote in an election either to the House of the People or to the Legislative Assembly of a State. There is a demand that this age of eligibility should be reduced to eighteen years. Under the law, a person becomes an adult when he is eighteen years of age. Though we have accepted adult franchise in the Constitution, persons below the age of twenty-one are not allowed to vote and thereby participate in the functioning of the democratic institutions of the country. It is not proper to debar millions of youngmen and women of our country from exercising their right of franchise by keeping the age-limit at a higher level.

Hence this Bill.

BANKA BEHARY DAS.

B. N. BANERJEE,
Secretary.